

In re Application of:
Orang Dialameh et al.
Application No.: 09/915,204
Filed: July 24, 2001
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PATENT
Docket No.: EYEM1240-1

REMARKS

In the pending Office Action, claim 1 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over a publication by Eriksson et al. titled "Towards 3-Dimensional Face Recognition", IEEE Publication dated June 1999, pages 401-406 (the "Eriksson" paper) in view of a publication by Wiskott et al. titled "Face Recognition by Elastic Bunch Graph Matching", Internal Report IR-INI 96-08, Institut fur Neuroinformatik, April 1996, pages 1-21 (the "Wiskott" paper). Claims 2-7 were rejected under 35 U.S.C. § 102(a) as allegedly anticipated by the Eriksson paper.

Applicants respectfully traverse each of the rejections and respectfully request reconsideration of this application in light of the following remarks.

The rejection of independent claim 1 as allegedly unpatentable over the Eriksson paper in view of the Wiskott paper is respectfully traversed. The Eriksson paper has a publication date of June 1999. The present application (number 09/915,204, filed July 24, 2001) claims priority as a continuation-in-part to application number 09/206,195 filed December 4, 1998, now U.S. patent number 6,301,370, which issued on October 9, 2001 (the "parent" application). The present application also incorporates the parent application by reference. The filing date of parent application is before the publication date of the Eriksson paper, and the filing date of the present application is before the issue date of the resulting patent number 6,301,370. Claim 1 recites a method for feature location and is entirely supported by the original disclosure of the parent application.

More specifically, the first element of claim 1 recites "providing left and right camera images of the feature". The first element is supported in the parent application with reference to column 16, lines 16-17, and Figure 25, of patent number 6,301,370. (For convenience, reference is made to column and line numbers of the issued patent rather than to page and line numbers of the parent application as originally filed.) The second element of claim 1 recites "locating the feature in the left camera image and in the right camera image using bunch graph matching". The

second element is supported in the parent application with reference to column 9, lines 22-34, column 16, lines 15-16, 30-32 and 64-67, column 17, lines 5-35, and Figures 11, 24 and 25. The third (and last) element of claim 1 recites “determining the feature location in multiple dimensions including depth based on the feature locations in the left camera image and the right camera image”. The third element is supported in the parent application by reference to column 16, lines 33-34 and 45-52, and Figure 22.

Accordingly, Applicants assert that the Eriksson paper is not a prior art document against claim 1 under 35 U.S.C. § 102(a) because it was not published before the priority date afforded to claim 1 based on the priority claim to U.S. application number 09/206,195. Accordingly, the rejection claim 1 as allegedly unpatentable over the Eriksson paper in view of the Wiskott paper is improper, and claim 1 should now be allowed.

The rejection of independent claim 2 as allegedly anticipated by the Eriksson paper is respectfully traversed. The Eriksson paper has a publication date of June 1999. The present application (number 09/915,204, filed July 24, 2001) claims priority as a continuation-in-part to application number 09/206,195 filed December 4, 1998, now U.S. patent number 6,301,370, which issued on October 9, 2001 (the “parent” application). The present application also incorporates the parent application by reference. The filing date of parent application is before the publication date of the Eriksson paper, and the filing date of the present application is before the issue date of the resulting patent number 6,301,370. Claim 1 recites a method for feature location and is entirely supported by the original disclosure of the parent application.

More specifically, the first element of claim 2 recites “providing left and right camera images of the feature”. The first element is supported in the parent application with reference to column 16, lines 16-17, and Figure 25. The second element of claim 2 recites “locating the feature in the left camera image and in the right camera image using image analysis based on wavelet component values generated from wavelet transformations of the camera images”. The second element is supported in the parent application with reference to column 8, lines 14-55,

column 9, lines 22-34, column 16, lines 15-16, 30-32 and 64-67, column 17, lines 5-35, and Figures 10, 11, 24 and 25. The third (and last) element of claim 2 recites “determining the feature location in multiple dimensions including depth based on the feature locations in the left camera image and the right camera image”. The third element is supported in the parent application by reference to column 16, lines 33-34 and 45-52, and Figure 22.

Accordingly, Applicants assert that the Eriksson paper is not a prior art document against claim 2 under 35 U.S.C. § 102(a) because it was not published before the priority date afforded to claim 2 based on the priority claim to the parent application. Accordingly, the rejection claim 2 as allegedly unpatentable over the Eriksson paper in view of the Wiskott paper is improper, and claim 2 should now be allowed.

The rejection of dependent claim 3, which depends on independent claim 2, as allegedly anticipated by the Eriksson paper is respectfully traversed. Dependent claim 3 recites a method for feature location that is entirely supported by the original disclosure of the parent application. More specifically, claim 3 recites that “the wavelet transformations use Gabor wavelets”. Claim 3 is supported in the parent application with reference to column 8, line 15, and Figure 10. Accordingly, Applicants assert that the Eriksson paper is not a prior art document against claim 3 under 35 U.S.C. § 102(a) because it was not published before the priority date afforded to claim 3 based on the priority claim to the parent application. Accordingly, the rejection claim 3 as allegedly unpatentable over the Eriksson paper in view of the Wiskott paper is improper, and claim 3 should now be allowed.

The rejections of claim 4 and 5 as allegedly anticipated by the Eriksson paper are respectfully traversed. Claims 4 and 5 are apparatus claims having features corresponding to method claims 2 and 3, respectively, and are similarly supported by the original disclosure of the parent application. Accordingly, Applicants assert that the Eriksson paper is not a prior art document against claims 4 and 5 under 35 U.S.C. § 102(a) because it was not published before the priority date afforded to claims 4 and 5 based on the priority claim to the parent application.

Accordingly, the rejections claims 4 and 5 as allegedly unpatentable over the Eriksson paper in view of the Wiskott paper is improper, and claims 4 and 5 should now be allowed.

The rejection of independent claim 6 as allegedly anticipated by the Eriksson paper is respectfully traversed. The Eriksson paper has a publication date of June 1999. The present application (number 09/915,204, filed July 24, 2001) claims priority as a continuation-in-part to application number 09/206,195 filed December 4, 1998, now U.S. patent number 6,301,370, which issued on October 9, 2001 (the "parent" application). The present application also incorporates the parent application by reference. The filing date of parent application is before the publication date of the Eriksson paper, and the filing date of the present application is before the issue date of the resulting patent number 6,301,370. Claim 6 recites a method for feature location and is entirely supported by the original disclosure of the parent application.

More specifically, the first element of claim 6 recites "providing first and second spaced-apart camera images of the feature". The first element is supported in the parent application with reference to column 16, lines 16-17, and Figure 25. The second element of claim 6 recites "locating the feature in the first camera image using image analysis based on wavelet component values generated from wavelet transformations of the first camera image and locating the feature in the second camera image". The second element is supported in the parent application with reference to column 8, lines 14-55, column 9, lines 22-34, column 16, lines 15-16, 30-32 and 64-67, column 17, lines 5-35, and Figures 10, 11, 24 and 25. The third (and last) element of claim 6 recites "determining the feature location in multiple dimensions including depth based on the feature location in the first camera image and the feature location in the second camera image". The third element is supported in the parent application by reference to column 16, lines 33-34 and 45-52, and Figure 22.

Accordingly, Applicants assert that the Eriksson paper is not a prior art document against claim 6 under 35 U.S.C. § 102(a) because it was not published before the priority date afforded to claim 6 based on the priority claim to the parent application. Accordingly, the rejection claim 6

as allegedly unpatentable over the Eriksson paper in view of the Wiskott paper is improper, and claim 6 should now be allowed.

The rejection of dependent claim 7, which depends on independent claim 6, as allegedly anticipated by the Eriksson paper is respectfully traversed. Dependent claim 7 recites a method for feature location that is entirely supported by the original disclosure of the parent application. More specifically, claim 7 recites that "the wavelet transformations use Gabor wavelets". Claim 7 is supported in the parent application with reference to column 8, line 15, and Figure 10. Accordingly, Applicants assert that the Eriksson paper is not a prior art document against claim 7 under 35 U.S.C. § 102(a) because it was not published before the priority date afforded to claim 7 based on the priority claim to the parent application. Accordingly, the rejection claim 7 as allegedly unpatentable over the Eriksson paper in view of the Wiskott paper is improper, and claim 7 should now be allowed.

The amendments to the specification merely insert the patent number of the issued patent associated with the incorporated parent application, and correct a spelling error.

The amendments to claims 1-2 and 4-5 merely correct format errors and Applicants asserts that the amendments to claims 1-2 and 4-5 are not amendments for narrowing the scope of the respective claims. New claims 8-10 are apparatus claims having features corresponding to the features of method claims 1 and 6-7, respectively. Accordingly, claims 8-10 are similarly supported by the disclosure of the parent application and are patentable over the cited references.

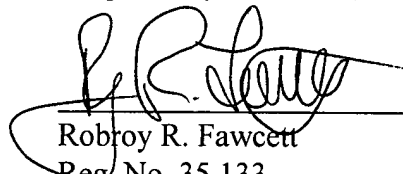
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CONCLUSION

In view of the above amendments and remarks, reconsideration and prompt evaluation of all pending claims are respectfully requested. If any questions or issues remain, the Examiner is invited to contact the undersigned at the telephone number set forth below so that prosecution of this application can proceed in an expeditious fashion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. R. Fawcett", is written over a horizontal line.

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Date: May 16, 2005

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